S.B. CIVIL WRIT PETITION NO.628/2005

Chhailu Singh vs. State of Raj. and others.

Date : 2.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. J.R. Bishnoi, for the petitioner.

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Heard learned counsel for the petitioner.

The grievance of the petitioner is that in pursuance of the award dated 4.2.2004 (Annex.1) whereby the Motor Accidents Claim Tribunal, Bikaner passed the award of Rs.2,22,040/- against the petitioner and respondent State of Rajasthan, the amount is being sought to be recovered from the petitioner by the State Government by issuing order dated 10.11.2004 (Annex.2) by deducting the amount from the salary of the petitioner.

According to learned counsel for the petitioner, the petitioner was driving the vehicle of the State Government and in discharge of his duties, while he was driving the vehicle, the accident occurred, therefore, the liability is of the State Government and no amount can be recovered from the petitioner by the State Government.

It is clear from the award dated 4.2.2004 that the

liability of the petitioner along with the State Government is joint and several. The loss caused by the rash and negligent driving of the petitioner cannot be disputed in view of the finding of fact recorded by the Tribunal in its award. The State is fully empowered to recover the amount from the petitioner as he caused loss to the State.

In view of the above, the State Government was fully justified in ordering that the amount for which the State was found responsible and liable can be recovered from the petitioner who was driver at the relevant time. I do not find any illegality in the impugned order.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya